

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WALLACE T. RUTHERFORD, JR.,

3:15-cv-00553-SB

Plaintiff,

ORDER

v.

MEDICARE-MEDICAID COMMISSIONER,  
PERS CENTER SALEM OREGON, USA  
CONGRESS TREATIES PERS, and  
OREGON LEGISLATURE TREATIES,

Defendants.

BROWN, Judge.

Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation (#10) on July 8, 2015, in which she recommends this Court grant Plaintiff's Amended Application (#9) for Leave to Proceed *In Forma Pauperis* and dismiss Plaintiff's Complaint (#1) pursuant to 28 U.S.C. § 1915(e)(2)(B) without prejudice to Plaintiff's prosecution of his first-filed action, Case No. 3:15-cv-00476-SB. The matter is now before this Court pursuant to 28

U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Beckerman's Findings and Recommendation (#10). Accordingly, the Court **GRANTS** Plaintiff's Amended Application (#9) for Leave to Proceed *In Forma Pauperis*, and **DISMISSES** this matter pursuant to 28 U.S.C. § 1915(e)(2)(B) **without prejudice** to Plaintiff's prosecution of his first-filed action, Case No. 3:15-cv-00476-SB.

IT IS SO ORDERED.

DATED this 10th day of September, 2015.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge